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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/724,628

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Nancy M. Psaras

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03/11/2004

John R. Pivnichny
IBM., N50/040-4
1701 North Street
Endicott, NY 13760

EXAMINER

SHOU, HENRY K

ART UNIT

PAPER NUMBER

2664

3

DATE MAILED: 03/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/724,628

Applicant(s)

PSARAS ET AL.

Examiner

Henry K Shou

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/28/2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION***Specification***

- 1 The disclosure is objected to because of the following informalities:

In the **Abstract**, applicant is reminded of the following proper language and format for an abstract of the disclosure:

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract should be limited to a single paragraph and the title of invention ***APPLICATION SYSTEM CERTIFICATION PROCESS*** on top of the paragraph should be removed.

In page 4 and line 7 of the disclosure, one typo error in the phrase ***It is therefor*** should be corrected to be ***It is therefore***.

In page 13 and line 5 of the disclosure, one typo error in the phrase ***a illogical function request*** should be corrected to be ***an illogical function request***.

Appropriate corrections are required.

Claim Rejections - 35 USC § 112

- 2 The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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3 Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase *conducting said including* in line 12 is indefinite because the claimed limitation after its modifier *said* is missing, thereby rendering the scope of the claim unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

4 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5 Claims 1, 4, 8-14 are rejected under 35 U.S.C. 102(e)(2) as being anticipated by Michel K. Bowman-Amuah (U.S. Pat. 6,662,357 B1), hereinafter referred to as Bowman-Amuah.

Regarding claim 1:

Bowman-Amuah teaches:

- entering a review request for a software application into a staging database (“Requests for data element changes can be forwarded using a database system” in column 20 lines 55-56; herein the data element is one kind of the software application, see “The software

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application may be any type of software application” as defined in page 6 lines 9-10 of the disclosure; “code review” in column 41, line 54 is one type of review);

- assigning a reviewer and scheduling a time for said review (“Change requests either in the application software, or in the system software must be, scheduled, staffed, in a defined way. What, why, when, and who made a change must be tracked from the point of analysis to the reintroduction of the defective or changed component at the appropriate stage” in column 28, line 65 to column 29, line 5);

- performing a readiness assessment prior to said time for said review (“the code review checklist and the procedure for functional and technical reviews are part of readiness assessment to be performed” in column 41, lines 52-53; the readiness assessment must be made prior to said time for said review because the person entering the review request would normally be asked to complete the readiness assessment, see page 10 lines 1-3 of the invention-applicant’s disclosure);

- conducting said review by said reviewer including

- providing an overview (the overview may be the collection of procedures) and
 - process flows identifying control points (“Workflow Management Providing the ability to define, manage, and execute automated business processes Well-defined procedures must be in place to ensure that work flows from one task to another” in column 50 lines 12-19; each task represents a control point),
 - providing deliverables (column 13 line 57), and
 - providing a test plan (column 105 lines 44-53);

- reporting results of said review (“validation reports show the occurrence of many standards violations” in column 21 line 33-34); and

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- determining whether said results justify a decision of certification of said software application (“... the package is eventually released to the production” in column 28 lines 60-63; prior to software release, the positive determination must have been made based on that the validation test result shows pass and thus the software package is then certified).

Regarding claim 4:

The rejection of claim 1 is incorporated, and further, Bowman-Amuah teaches said overview comprises an application environmental overview and an architectural overview (Program management in column 26 lines 3-30 for an application environmental overview; Metrics Process in column 24 lines 33-48 for an architectural overview).

Regarding claim 8:

The rejection of claim 1 is incorporated, and further, Bowman-Amuah teaches said review includes a separation of duties evaluation (column 11 lines 17-32).

Regarding claim 9:

The rejection of claim 1 is incorporated, and further, Bowman-Amuah teaches said review includes an evaluation of control points that prevent unauthorized change to said software application (column 20 lines 37-52).

Regarding claim 10:

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The rejection of claim 1 is incorporated, and further, Bowman-Amuah teaches said test plan describes test scenarios and expected results for all said control points (column 105 lines 50-53).

Regarding claim 11:

The rejection of claim 1 is incorporated, and further, Bowman-Amuah teaches said review further comprises providing a demonstration (“demonstrate the look and feel of an application to the end user” in column 85 lines 2-3).

Regarding claim 12:

Bowman-Amuah teaches:

- a process for certifying a software application prior to deployment, comprising the steps of:
 - entering a review request for a software application into a staging database (“Requests for data element changes can be forwarded using a database system” in column 20 lines 55-56; herein the data element is one kind of the software application, see “The software application may be any type of software application” as defined in page 6 lines 9-10 of the disclosure; “code review” in column 41, line 54 is one type of review);
 - assigning a reviewer and scheduling a time for said review (“Change requests either in the application software, or in the system software must be, scheduled, staffed, in a defined way. What, why, when, and who made a change must be tracked from the point of analysis to the reintroduction of the defective or changed component at the appropriate stage” in column 28, line 65 to column 29, line 5);

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- performing a readiness assessment prior to said time for said review (“the code review checklist and the procedure for functional and technical reviews are part of readiness assessment to be performed” in column 41, lines 52-53; the readiness assessment must be made prior to said time for said review because the person entering the review request would normally be asked to complete the readiness assessment, see page 10 lines 1-3 of the disclosure);
- conducting said review by said reviewer including
 - providing an overview (the overview may be the collection of procedures) and
 - process flows identifying control points (“Workflow Management Providing the ability to define, manage, and execute automated business processes Well-defined procedures must be in place to ensure that work flows from one task to another” in column 50 lines 12-19; each task represents a control point),
 - providing deliverables (column 13 line 57), and
 - providing a test plan (column 105 lines 44-53);
- reporting results of said review (“validation reports show the occurrence of many standards violations” in column 21 line 33-34); and
- determining whether said results justify a decision of certification of said software application (“.... the package is eventually released to the production” in column 28 lines 60-63; prior to software release, the positive determination must have been made based on that the validation test result shows pass and thus the software package is then certified) , and if so
- deploying said software application (Authorize deployment” in column 26 line 28); and

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- executing at least a part of said test plan (“Link to the test plan management test the condition where the problem occurred” in column 71 lines 24-27; retesting for problem confirmation and reporting needs to execute at least a part of specified test plan).

Regarding claim 13:

The rejection of claim 12 is incorporated, and further, Bowman-Amuah teaches said review further comprises providing a demonstration (“demonstrate the look and feel of an application to the end user” in column 85 lines 2-3).

Regarding claim 14:

Bowman-Amuah teaches:

- a computer readable medium (“disk storage units 120” in column 3 line 32 and Fig. 1);
- first program instruction means for entering a review request for a software application into a staging database (“Requests for data element changes can be forwarded using a database system” in column 20 lines 55-56; herein the Repository Maintenance component provides the 1st program instruction means; the data element is one kind of the software application, see “The software application may be any type of software application” as defined in page 6 lines 9-10 of the disclosure; “code review” in column 41, line 54 is one type of review);
- second program instruction means for assigning a reviewer and scheduling a time for said review (“Change requests either in the application software, or in the system software must be, scheduled, staffed, in a defined way. What, why, when, and who made a change must be tracked from the point of analysis to the reintroduction of the

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defective or changed component at the appropriate stage” in column 28, line 65 to column 29, line 5; herein the Change Control component provides the 2nd program instruction means);

- third program instruction means for performing a readiness assessment prior to said time for said review (“the code review checklist and the procedure for functional and technical reviews are part of readiness assessment to be performed” in column 41, lines 52-53; the readiness assessment must be made prior to said time for said review because the person entering the review request would normally be asked to complete the readiness assessment, see page 10 lines 1-3 of the invention-applicant’s disclosure; herein the Testing Procedures provides the 3rd program instruction means);

- fourth program instruction means (the Program and Project Management component provides the following 4th program instruction means) for assisting said reviewer in conducting said review by said reviewer including

- assisting in providing an overview (the overview may be the collection of procedures) and
- assisting in process flows identifying control points (“Workflow Management Providing the ability to define, manage, and execute automated business processes Well-defined procedures must be in place to ensure that work flows from one task to another” in column 50 lines 12-19; each task represents a control point),
- assisting in providing deliverables (column 13 line 57), and
- assisting in providing a test plan (column 105 lines 44-53);

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- fifth program instruction means for reporting results of said review (“validation reports show the occurrence of many standards violations” in column 21 line 33-34; herein the Repository Maintenance component provides the 5th program instruction means); and
- sixth program instruction means for determining whether said results justify a decision of certification of said software application (“.... the package is eventually released to the production” in column 28 lines 60-63; prior to software release, the positive determination must have been made based on that the validation test result shows pass and thus the software package is then certified; herein the Change Control component provides the 6th program instruction means), and wherein
- all said program instruction means are recorded on said medium (column 52, lines 40-43).

Claim Rejections - 35 USC § 103

6 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7 Claims 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Michel K. Bowman-Amuah (U.S. Pat. 6,662,357 B1), hereinafter referred to as Bowman-Amuah,

Regarding claim 2:

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The rejection of claim 1 is incorporated, and further, Bowman-Amuah does not explicitly disclose that said review request is entered into a spreadsheet database as claimed. However, Bowman-Amuah does promote to use spreadsheet in the Development Tools Framework ("Productivity tools 1002 provide the basic functionality required to create documents, spreadsheets, and simple graphics or diagrams." In column 45 lines 45-46). It would have been obvious for one of ordinary skill in the art of computer data processing at the time applicant's invention was made to implement the database disclosed by Bowman-Amuah by using spreadsheet. The modification would be obvious because one of ordinary skill in the art would be motivated to present the review requester by Bowman-Amuah's database system in a style of paper spreadsheet that is easy for the user to understand and use.

8 Claims 3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michel K. Bowman-Amuah (U.S. Pat. 6,662,357 B1), hereinafter referred to as Bowman-Amuah, in view of Gandel et al. (U.S. Pat. 6,167,568), hereinafter referred to as Gandel.

Regarding claim 3:

The rejection of claim 1 is incorporated, and further, Bowman-Amuah does not explicitly teach that said readiness assessment is performed by answering questions in a checklist as claimed. Gandel discloses it was known in the art of electronic software distribution, at the time applicant's invention was made, to put the readiness questionnaire on the web page to answer on line (column 6 lines 43-46 and ESD READINESS QUESTIONNAIRE 602 of Fig. 6). It would have been obvious for one of

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ordinary skill in the art of computer data processing at the time applicant's invention was made to use the feature of answering questions in a checklist taught by Gandel to implement the readiness checklist disclosed by Bowman-Amuah. The modification would be obvious because one of ordinary skill in the art would be motivated to provide Bowman-Amuah's readiness checklist in a form of interactive screen for a reviewer to answer the questions which would be easy for the reviewer to understand and use.

Regarding claims 5-7:

The rejection of claim 1 is incorporated, and further, Bowman-Amuah does not explicitly teach that said process flows comprise flowcharts, said flowcharts identify the position of automated or manual control points within the software application, and said control points include text describing actions to be taken for normal and exception control outcome as claimed. Gandel discloses it was known in the art of electronic software distribution, at the time applicant's invention was made, process flows comprise flowcharts (Fig. 4, 5A and 5B), said flowcharts identify the position of automated or manual control points within the software application (Steps 402-412 of Fig. 4; each step represents one automated or manual control point within the electronic software product distribution software application), and said control points include text describing actions to be taken for normal and exception control outcome (the conditional control point step 410 of Fig. 4 describes actions to be taken for normal (Provide public environment for site if Yes to mean tests passed) and exception control outcome (go back to the control point 408 if No to mean tests not passed)). It would have been obvious for one of ordinary skill in the art of computer data processing at the time applicant's invention was

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made to use the feature of applying flowchart to the process flow to show all control points, interrelations among these control points, and describe actions to be taken for normal and exception control outcomes, in a graphical diagram, taught by Gandel to implement the workflows disclosed by Bowman-Amuah. The modification would be obvious because one of ordinary skill in the art would be motivated to provide Bowman-Amuah's workflows in a form of easy-to-understand and easy-to-use graphical diagram.

Conclusion

9 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Edwards et al. (US Patent No 5,742,823), Total object processing system and method with assembly line features and certification of results

Bowman-Amuah (US Patent No 6,405,364 B1), Building techniques in a development architecture framework

Bowman-Amuah (US Pub. No 2001/0052108 A1), System, method and article of manufacturing for development architecture framework

Pace et al. (US Pub. No 2003/0051236 A1), Method, system, and structure for distributing and executing software and data on different network and computer devices, platforms, and environments

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry K Shou whose telephone number is (703) 305-7457. The examiner can normally be reached on weekdays 7 AM – 3:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

HKS

February 17, 2004



**KAKALI CHAKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**